REMARKS

Claims 29-73 are in the application.

Fig. 1 is objected to for failing to show the video display. A proposed amendment to Fig. 1 is provided herewith. Proposed formal drawings are provided herewith.

The specification is objected to for failing to refer to item 20 in Fig. 2. An amendment to the specification on Page 26, line 14 has been made.

The specification is objected to for failing to refer to item 40 in Fig. 3. An amendment to the specification on Page 26, line 15 has been made.

Claims 29-31 and 37-43 are rejected as being obvious over Shepley in view of Balintfy.

The present invention relates to a set of inventions, which have as a common theme the use of economic parameters associated with records, which are used with other classifiers to provide a composite presentation of the records. An economic parameter is, for example, a cost, net profit, gross profit, utility cost, etc. The present invention is not limited to nutritional optimization systems, and therefore the claims should be interpreted in accord with their full literal scope.

As background, it is well known to generate sorted lists of records, based on an intrinsic parameter, derived parameter, content, correlation, or the like. For example, text search engines starting well before the 1980's produced output formats which were content-relevance sorted with respect to the search criteria. It is also known, per claim 29, to classify or determine the characteristics of users. It is also well known to sort lists based on numeric values, which include economic values. However, these sorting or ranking criteria are typically used alone, and not as a composite with some other technique. Thus, it is not believed known to employ a composite presentation of records, defined based on a classification of information therewithin, based on both

the information content or user classification and an economic parameter. Thus, the present invention advances the art by providing a composite presentation criteria based on both content or content-related data and economic data.

Applicant notes that the Examiner has found no reference, alone or in combination, which teaches or suggests such a composite ranking or optimization, and therefore it is respectfully submitted that this resolves the issues raised in the Office Action. The Examiner seeks to provide the missing teachings by a combination of extrapolation from the references, "Official Notice", and construction of the claims to ignore the composite optimization or ranking.

Claims 29-31, and 37-43 are rejected as being obvious over Shepley in view of Balintfy.

Shepley allegedly disloses a system for proposing personalized nutrition for an individual. However, the Examiner admits that Sheply fails to teach that "economic parameters are also used to constrain the set of records to be output to the individual".

However, Shepley has a more serious deficiency. Shepley fails to teach or suggest that the records are presented to the user based on the defined user characteristics. While it is true that Shepley teaches that the pertinent nutritional information is output with respect to the data the individual entered, these are not synonymous, and the Shepley reference, taken as a whole, does not teach or suggest that the input or identified records are then "presented", in any form. The closest Shepley comes is to indicate that the apparatus could be integrated with a supermarket checkout, which it is assumed arguendo could generate a list of the items purchased at the same time. Rather, Shepley appears to generate aggregate parameters.

The Examiner submits, however, that Balintfy supplies the teachings missing from Shipley. In fact, Balintfy relates to a mechanical diet computer for solving simultaneous equations to find an optimum condition, e.g., cost vs. nutritional value, using physical "bar vectors". Thus,

rather than providing a method for sorting, selecting, or presenting, the method allows optimization of a linear combination of predetermined factors. Testing of factors not within the starting set requires conducting a new optimization procedure from scratch. Thus, the set is not defined by the content of each record, but rather by the optimizing constraints.

Thus, in contrast to claim 29, Balintfy does not determine a user characteristic, nor is the user characteristic a subject of the optimization. Further, in contrast to claim 44, there is no determined user relevance parameter, nor is one used in an optimization.

Per claims 59 and 67, Balintfy does not provide any ranking of records or query results.

Thus, Balintfy stands for the proposition that an economic optimization is known in the prior art, with which applicant generally agrees. However, the use of such an optimization as presently claimed is not taught nor suggested by the references.

With particular regard to the Examiner's rejection of claim 29, the Examiner states that "it would have been obvious ... to utilize the economic cost parameters of Balintfy in the system of Shepley." This combination, even if assuming arguendo appropriate, does not set forth a prima facie case of obviousness. Neither Shepley nor Balintfy teach that a set of records is defined based on a classification of information therewithin; rather, in each, the user manually selects the food for inclusion in the processing, and if inappropriate, must manually eliminate it from the set. The set, therefore, is not defined based on the classification of information therewithin, but rather by an uncontrolled process. Shepley does not teach any optimization of the records, while Balintfy teaches only a global optimization without regard for the extrinsic user characteristic.

Therefore, it is respectfully submitted that claim 29 is distinguished from the references.

With respect to claims 37 and 38, Applicant disagrees that Shepley presents the records to the user based on the defined user characteristics. As stated above, there is no indication that any

records, are presented to the user (except perhaps in the trivial case of a single data record identified), nor that these are presented (as opposed to analyzed) based on the defined user characteristics. While the Examiner indicates that the reoptimization of claim 37 would have been obvious, this is not the case. According to Balintfy, a reoptimization to determine a best global optimum employs a different selected set of records.

Applicant disagrees that it would have been obvious to include economic parameters within the system of Williams, III, for the purpose of optimizing a presentation of a set of records defined based on record content. Applicant further disagrees that sorting records based on risk tolerance in the present context is known; the system of Williams III is not seen as presenting any quantification of risk.

With respect to claims 67-73, it is not seen that Ecer remedies the deficiencies of Shepley and Balintfy. Williams III does not classify users; these are preclassified and presented together as a preformed group. Thus, step (b) of claim 67 is absent. Further, none of the references has any analog to steps (d) and (e) of claim 67.

Applicant respectfully submits that the Examiner's "Official Notice" discussion on pages 10-11 of the Office Action are merely impermissible hindsight reconstructions of an aspect of the invention; it is only with benefit of Applicant's disclosure that the Examiner seeks to piece together the elements of the invention, and even then in a very strained fashion. Of course, an important part of the sciences of "home economics" and institutional dietetics relates to optimizing nutritious meal preparation, including cost. However, the claims are distinguished from a straightforward nutrition and economic combined optimization, as shown in Balintfy.

Claims 44-46, 52-59 and 61-64 are rejected as being obvious over Shepley and Balintfy in view of MacGregor. While Shepley and Balintfy are distinguished as noted above, it is

particularly noted that claim 44 requires the step of presenting the set of records "optimized based on the determined economic parameters **and** the determined relevance parameter." There is no teaching or suggestion in MacGregor of a composite sort. Multiple sort keys are employed to deal with the case where a respective higher sort key for two records have identical values, creating an ambiguity. There is also no teaching or suggestion to sort records in an optimum fashion, as contrasted with a single parameter sort.

Claims 39 and 63 are amended to make clear that the item corresponding to the record is sold, rather than the record itself.

Claims 47-49 and 51 are rejected as being obvious over Shepley, Balintfy and MacGregor further in view of Williams III. Shepley, Balintfy, MacGregor and Williams III are distinguished as above. Likewise, claims 50, 60, 65 and 66 are rejected as being obvious over Shepley, Balintfy and MacGregor further in view of Ecer, all of which are distinguished above.

It is therefore respectfully submitted that the present claims distinguish the art of record and are therefore patentable.

Applicant notes that, in accord with the recent Festo decision, none of the claims amended for reason of patentability. It is therefore respectfully submitted that the claims herein should be afforded a full scope of equivalents, both as interpreted within the proceedings before the U.S. Patent and Trademark Office, and in any Court of competent jurisdiction.

Respectfully submitted,

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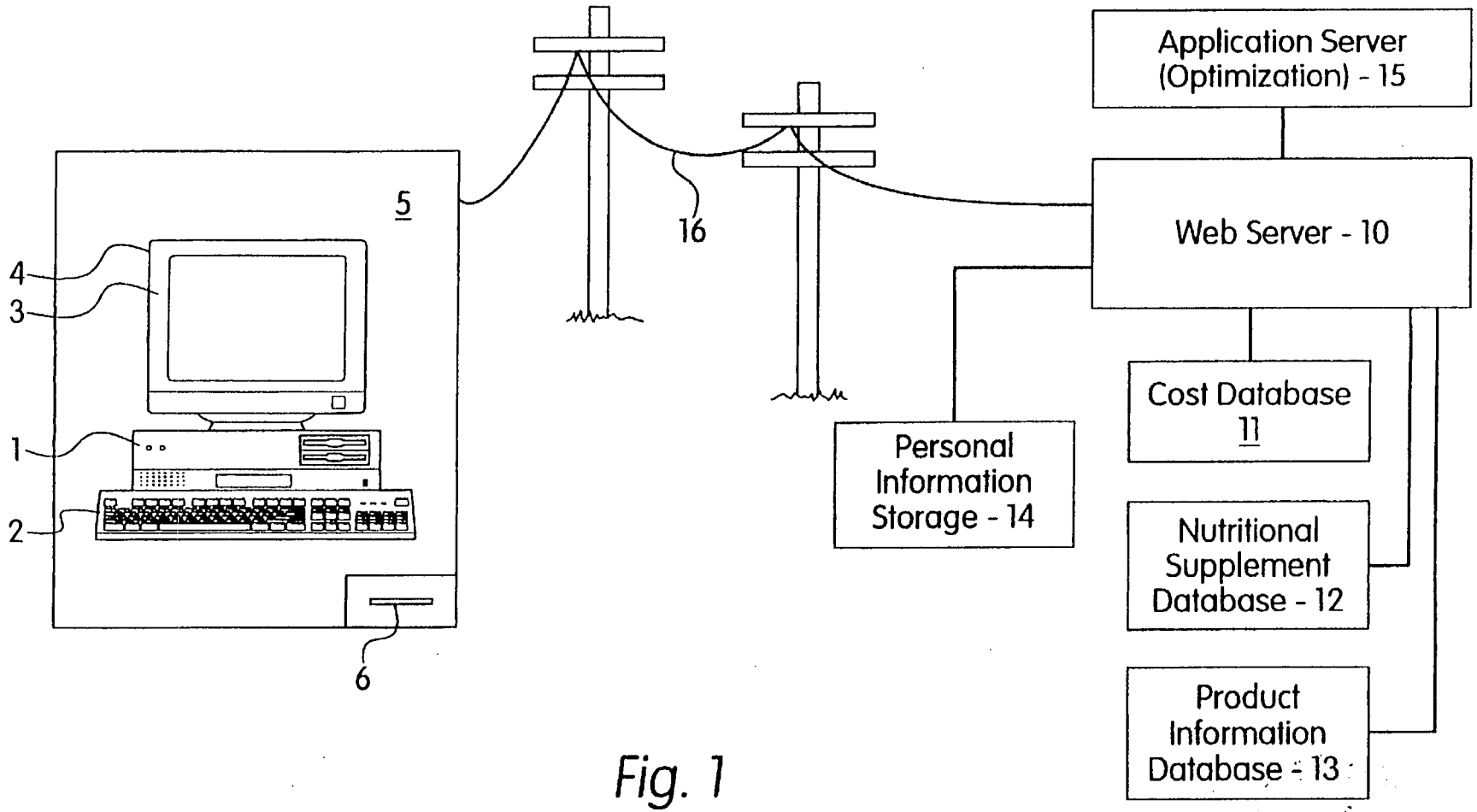
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Web Server - 10
Cost Database
11
Nutritional
Supplement
Database - 12
Product
Information
Database - 13
Personal
Information
Storage - 14
5
16
4
3
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Fig. 1